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ACTION M-00

INFO LOG-00 OASY-00 ANHR-01 TEDE-00 ADS-00 SS-00 /001W  
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O 240052Z FEB 95  
FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC IMMEDIATE 2993  
INFO WHITEHOUSE WASHDC PRIORITY  
RWANDA COLLECTIVE  
UN SECURITY COUNCIL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 000703

DEPT FOR USUN/W-SCHEFFER, AF-MOOSE, IO/UNP-SNYDER  
AND STANTON; WHITEHOUSE PLS PASS NSC FOR STEINBERG  
AND RICE

E.O.12356: DECL:OADR  
TAGS: PREL, PREF, UNSC, PHUM, RW, BU, CG, TZ, UG, ZA  
SUBJECT: RESOLUTION ON DETENTION OF RWANDAN WAR  
CRIMINALS

REF: (A) STATE 2307, (B) ROSENSTOCK (USUN-NY)/SCHEFFER  
(USUN-W) TELECON

1. CONFIDENTIAL - ENTIRE TEXT.

2. PURSUANT REFTELECON AND AFTER CONFIRMING WITH LEGAL  
(FRANCE) THAT FRANCE REMAINED UNWILLING TO ACCEPT A  
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RESOLUTION USUN FORMALLY SUBMITTED RESOLUTION

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INCORPORATING A NUMBER OF THE CHANGES AUTHORIZED BY  
REF A. WE INFORMED FRANCE, UK, RWANDA, BOTSWANA OF OUR  
INTENTION TO DO SO.

3. FORMAL CIRCULATION OF TEXT COMBINED WITH DEMARCHE IN  
PARIS MAY WELL SUFFICE TO BRING FRENCH AROUND. WHILE  
CHINESE AND RUSSIANS WOULD ALSO PREFER A PRESIDENTIAL  
STATEMENT IF FRENCH COME AROUND CHINESE AND RUSSIANS ARE  
UNLIKELY TO OBJECT STRENUOUSLY TO A RESOLUTION.

4. TEXT AS SUBMITTED READS:

THE SECURITY COUNCIL,

REAFFIRMING ALL ITS PREVIOUS RESOLUTIONS ON THE  
SITUATION IN RWANDA, IN PARTICULAR ITS RESOLUTIONS 935  
(1994) AND 955 (1994),

EXPRESSING ONCE AGAIN ITS GRAVE CONCERN AT THE REPORTS  
INDICATING THAT SYSTEMATIC, WIDESPREAD AND FLAGRANT  
VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING  
ACTS OF GENOCIDE, HAVE BEEN COMMITTED IN RWANDA,

NOTING THAT THESE REPORTS WERE CONFIRMED IN THE FINAL  
REPORT OF THE COMMISSION OF EXPERTS SUBMITTED PURSUANT  
TO RESOLUTION 935 (1994) (S/1994/1125),

RECALLING THE OBLIGATIONS CONTAINED IN RESOLUTION 955  
(1994), WHICH CREATED THE INTERNATIONAL TRIBUNAL FOR  
RWANDA,

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CONCERNED BY THE CONDITIONS IN THE REFUGEE CAMPS OUTSIDE  
RWANDA, INCLUDING REPORTS OF VIOLENCE DIRECTED AGAINST  
REFUGEES WHO VOLUNTARILY WISH TO RETURN TO RWANDA,

DETERMINED TO PUT AN END TO VIOLATIONS OF INTERNATIONAL  
HUMANITARIAN LAW AND VIOLENCE DIRECTED AGAINST REFUGEES  
AND TO TAKE EFFECTIVE MEASURES TO BRING TO JUSTICE THE  
PERSONS WHO ARE RESPONSIBLE FOR SUCH CRIMES,

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NOTING THE REPORTS OF THE SECRETARY-GENERAL ON SECURITY  
IN THE RWANDESE REFUGEE CAMPS OF 25 JANUARY 1994  
(S/1995/65) AND 18 NOVEMBER 1994 (S/1994/1308),

WELCOMING THE REPORT OF THE SECRETARY-GENERAL  
(S/1995/134) DATED 13 FEBRUARY 1995 AND STRESSING THE  
IMPORTANCE OF TAKING ALL MEASURES FOR THE EARLY AND  
EFFECTIVE FUNCTIONING OF THE INTERNATIONAL TRIBUNAL FOR  
RWANDA;

1. URGES STATES, TO ARREST AND DETAIN, IN ACCORDANCE  
WITH THEIR NATIONAL LAW AND RELEVANT STANDARDS OF  
INTERNATIONAL LAW, PENDING PROSECUTION BY THE  
INTERNATIONAL TRIBUNAL FOR RWANDA OR BY THE APPROPRIATE  
NATIONAL AUTHORITIES, PERSONS FOUND WITHIN THEIR  
TERRITORY AGAINST WHOM THERE IS SUFFICIENT EVIDENCE THAT  
THEY WERE RESPONSIBLE FOR ACTS WITHIN THE JURISDICTION  
OF THE INTERNATIONAL TRIBUNAL FOR RWANDA;

2. URGES STATES WHO DETAIN PERSONS REFERRED TO IN  
PARAGRAPH ABOVE TO INFORM THE SECRETARY-GENERAL AND THE  
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PROSECUTOR OF THE INTERNATIONAL TRIBUNAL FOR RWANDA OF  
THE IDENTITY OF THE PERSONS DETAINED, THE NATURE OF THE  
CRIMES BELIEVED TO HAVE BEEN COMMITTED, THE EVIDENCE  
PROVIDING PROBABLE CAUSE FOR THE DETENTIONS, THE DATE  
WHEN THE PERSONS WERE DETAINED AND THE PLACE OF  
DETENTION;

3. URGES STATES WHO DETAIN SUCH PERSONS TO COOPERATE  
WITH REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF  
THE RED CROSS, AS WELL AS INVESTIGATORS FOR THE  
INTERNATIONAL TRIBUNAL FOR RWANDA, IN ORDER TO SECURE  
UNIMPEDED ACCESS TO THOSE PERSONS;

4. CONDEMNS ALL ATTACKS AGAINST PERSONS IN THE REFUGEE  
CAMPS NEAR THE BORDERS OF RWANDA, DEMANDS THAT SUCH  
ATTACKS IMMEDIATELY CEASE, AND CALLS UPON STATES TO TAKE  
APPROPRIATE STEPS TO PREVENT SUCH ATTACKS;

5. URGES STATES ON WHOSE TERRITORY SERIOUS ACTS OF

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SUBJECT: RESOLUTION ON DETENTION OF RWANDAN WAR  
CRIMINALS

VIOLENCE IN REFUGEE CAMPS HAVE TAKEN PLACE TO ARREST AND  
DETAIN, IN ACCORDANCE WITH THEIR NATIONAL LAW AND  
RELEVANT STANDARDS OF INTERNATIONAL LAW, AND SUBMIT TO  
THE APPROPRIATE AUTHORITIES FOR THE PURPOSE OF  
PROSECUTION PERSONS AGAINST WHOM THERE IS SUFFICIENT  
EVIDENCE THAT THEY HAVE INCITED OR PARTICIPATED IN SUCH  
ACTS AND FURTHER URGES THE STATES CONCERNED TO KEEP THE  
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SECRETARY-GENERAL INFORMED OF THE MEASURES THEY HAVE  
TAKEN TO THIS EFFECT.

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